

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JACQUELINE D. BERRY)
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)
 Pro Se Plaintiff)
)
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 v.) Civil Action No. 06-217 GMS
)
)
 STATE OF DELAWARE, DIVISION)
 OF CHILD SUPPORT)
)
)
 Defendants)

ORDER

WHEREAS, on May 2, 2007, the defendant filed a motion for summary judgment (D.I. 24);

WHEREAS, on June 6, 2007, the plaintiff was ordered to file an answering brief to the motion for summary judgment (D.I. 27);

WHEREAS, on June 19, 2007, the plaintiff filed a motion for summary judgment (D.I. 29);

WHEREAS, on July 6, 2007, the defendant filed an amended motion to strike the plaintiff's motion for summary judgment (D.I. 30);

WHEREAS, on July 16, 2007, the plaintiff filed a motion for extension of time to respond to the defendant's amended motion to strike, which also included a motion for the appointment of counsel (D.I. 31);

WHEREAS, on July 19, 2007, the defendant filed a letter to the court advising that it does not oppose a reasonable extension of time for the plaintiff to respond to the amended motion to strike, and that it takes no position on the motion for appointment of counsel (D.I. 32).

IT IS HEREBY ORDERED that:

1. The plaintiff's motion for extension of time within which to file an answering brief to the defendant's motion to strike is GRANTED. The plaintiff will have an additional 30 days from the date of this Order to file her answering brief; and

2. The plaintiff's motion for appointment of counsel is DENIED WITHOUT PREJUDICE to renew. Plaintiff, a pro se litigant, has no constitutional or statutory right to appointed counsel. *See Parham v. Johnson*, 126 F.3d 454, 456-57 (3d Cir. 1997). It is within this court's discretion, however, to seek representation by counsel for plaintiff, but this effort is made only "upon a showing of special circumstances indicating the likelihood of substantial prejudice to [plaintiff] resulting from [plaintiff's] probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case." *Smith-Bey v. Petsock*, 741 F.2d 22, 26 (3d Cir. 1984); *accord Tabron v. Grace*, 6 F.3d 147, 155 (3d Cir. 1993)(representation by counsel may be appropriate under certain circumstances, after a finding that a plaintiff's claim has arguable merit in fact and law). Having reviewed plaintiff's complaint, the court finds that her allegations are not of such a complex nature that representation by counsel is warranted at this time. The various papers and pleadings submitted by plaintiff reflect an ability to coherently present her arguments.



CHIEF UNITED STATES DISTRICT JUDGE

July 19, 2007

